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HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2563 of 2017

Ramniwas Lahare, S/o. Ramlal Lahare, aged about 50 years, R/o. Village Sambalpur, P.S. - Bilha, District – Bilaspur (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station – Kotra Road, District – Raigarh (C.G.)

---- Respondent

&

M.CR.C. No. 3055 of 2017

Dashrath Singh Rathia, S/o. Dokri Rathia, Aged About 55 Years, Occupation- Agriculturist, R/o. Village Kunkuni, P.S. Kharsiya, District Raigarh, Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh, Through : Police Station – Kotra Road, District – Raigarh (C.G.)

---- Respondent

For Applicants	: Mr. Vivek Sharma & Mr. F.S. Khare, Advocates
For Respondent/State	: Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/10/2017

1. Both the above bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested on 30.01.2017 and 04.02.2017 respectively in connection with Crime No.22/2017, registered at Police Station – Kotra Road, District – Raigarh (C.G.) for the offence punishable under Section 420, 109/34 & 120-B of Indian Penal Code.
3. According to the FIR lodged by the complainant – Laxminarayan Chaudhari on 30.01.2017, he was advised by the applicant – Dashrath that he knows *Tantrik*, who can double the amount by his *Tantrik Puja*. Being convinced, the complainant – produced Rs.3.00 lakhs and the *Puja* was conducted on 27.01.2017 by the *Tantrik*, who is the applicant – Ramniwas Lahare, on being induced by the applicant – Dashrath on the pretext of conducting *Puja*, the amount produced by the complainant was concealed by the accused persons, thus on this basis, the complaint was lodged.
4. It is submitted by the learned counsel for the applicants that applicant Ramniwas Lahare is in jail since 30.01.2017 and the applicant Dashrath Singh Rathiya is in jail since 04.02.2017. It is submitted that the applicants have been falsely implicated in this case and they are innocent, the offence is triable by Judicial Magistrate First Class and the trial is going to take considerable time for disposal of the case, hence for these reasons, it is prayed that the applicants may be enlarged on bail.
5. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicants are habitual offenders, which is admitted by one

of the accused persons in his memorandum statement, hence they are not entitled for grant of bail.

6. I have heard the learned counsel for both the parties and perused the case diary.
7. Although it is alleged that applicants are habitual offenders, but there is no previous history in the police record. Considering the facts that the case is triable by the Judicial Magistrate First Class and the applicants are in jail since almost 8 months and the trial of the case is likely to take sometime, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge